

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MAJD AL-SHARA,

Plaintiff,

vs.

WAL-MART STORES, INC.; and  
WAL-MART STORES EAST, L.P.,

Defendants.

Case No. 2:11-cv-14954

HON. PAUL D. BORMAN

MAGISTRATE PAUL J. KOMIVES

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**WAL-MART DEFENDANTS' NOTICE OF NON-PARTY FAULT**

NOW COMES Defendants, WAL-MART STORES EAST, L.P. and WAL-MART STORES, INC., by and through their attorneys, ZAUSMER, KAUFMAN, AUGUST, CALDWELL & TAYLER, P.C., and hereby gives notice, pursuant to M.C.L. §§ 600.6304; 600.2957; and MCR 2.112(K), and states that although based on the information known to date, the Wal-Mart Defendants do not believe that the Blitz portable consumer gasoline containers

are defective, if, at the time of trial, the jury finds that the portable consumer gasoline containers described in Plaintiff's Complaints (Original and First Amended Complaints) were defective and/or unreasonably dangerous as alleged in the pleadings, the Wal-Mart Defendants will allocate fault to all non-parties (presently known and who become known through the course of further discovery) who designed, manufactured and/or assembled the subject gasoline containers, including, but not limited to:

1. Blitz U.S.A., Inc.  
404 26th Ave. N.W.  
Miami, OK 74354

Based on the information known to date, it is believed that Blitz U.S.A., Inc. designed, manufactured and/or assembled the subject gasoline containers described in Plaintiffs' Complaints. Although based on the information known to date, Wal-Mart does not believe that the subject container was defective and/or caused the alleged injuries, if, at the time of trial, the trier of fact finds otherwise, the Wal-Mart Defendants reserve the right to allocate fault to non-party Blitz.

Defendants further reserve the right to supplement and/or modify their Notice of Non-Party Fault as discovery is ongoing.

Respectfully submitted,

ZAUSMER, KAUFMAN, AUGUST,  
CALDWELL & TAYLER, P.C.

Dated: July 3, 2012

/s/ Nicole M. Wright  
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**CERTIFICATE OF SERVICE**

I hereby certify that on **July 3, 2012**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: **Diane M. Breneman, Stacy L. Dungan, Ramona C. Howard.**

/s/ Nicole M. Wright

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